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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 RAFIK VARTANPOUR,

11 Plaintiff(s),

12 vs.

13 D.W. NEVEN, et al.,

14 Defendant(s).
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Case No. 2:15-cv-01660-GMN-NJK

ORDER DENYING MOTION TO
STRIKE

(Docket No. 31)

16 Pending before the Court is Defendant Michael Murdock's motion to strike. Docket No. 31.
17 Plaintiff failed to file a response in opposition. Nonetheless, for the reasons discussed more fully below,
18 Defendant's motion to strike is hereby **DENIED**.

19 A motion to strike material from a pleading is made pursuant to Rule 12(f) of the Federal Rules of
20 Civil Procedure, which allows courts to strike "any redundant, immaterial, impertinent or scandalous
21 matter." The essential function of a Rule 12(f) motion is to "avoid the expenditure of time and money that
22 may arise from litigating spurious issues by dispensing with those issues prior to trial." *Fantasy, Inc. v.*
23 *Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993), *rev'd on other grounds*, 510 U.S. 517 (1994). Motions to
24 strike are disfavored. *Roadhouse v. Las Vegas Metropolitan Police Dept.*, 290 F.R.D. 535, 543 (D. Nev.
25 2013). "Given their disfavored status, courts often require a showing of prejudice by the moving party
26 before granting the requested relief." *Id.* "Whether to grant a motion to strike lies within the sound
27 discretion of the district court." *Id.*
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1 In this case, Defendant asserts that Plaintiff (who is proceeding *pro se*) filed an improper response
2 to his answer. Docket No. 31 at 2; *see also* Docket No. 29 (“Opposition” to answer). Defendant asserts
3 that Plaintiff’s filing is not in compliance with Rule 7(a)(7) of the Federal Rules of Civil Procedure. *Id.*
4 Regardless of whether Defendant is correct on that point, however, he has failed to show any prejudice in
5 not striking that document. Especially with respect to filings of *pro se* litigants who may be unfamiliar with
6 the technical aspects of the applicable rules, the Court does not find it be a useful expenditure of resources
7 to entertain motions to strike without any showing of prejudice. *Cf. Russell Road Food & Bev., LLC v.*
8 *Galam*, 2013 WL 6684631, at *2 (D. Nev. Dec. 17, 2013) (“Modern litigation is too protracted and
9 expensive for the litigants and the court to expend time and effort pruning or polishing the pleadings”
10 (quoting 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE, § 1382, at 457-58 (2004))).

11 Accordingly, the pending motion to strike is **DENIED** without prejudice.

12 IT IS SO ORDERED.

13 DATED: April 17, 2017

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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